

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00530-M-RN

JENNIFER JOHNSON,

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

ORDER


This matter comes before the court on the memorandum and recommendation ("M&R") entered by Magistrate Judge Robert T. Numbers, II. DE 21. Judge Numbers recommends that the court grant Plaintiff's request for relief and remand this matter to the Commissioner for further consideration. *Id.* at 24. The M&R, along with instructions and a deadline for filing objections, was served on the parties on September 9, 2024. *See id.* Neither party raised a timely objection.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, the court finds no clear error.

See Diamond, 416 F.3d at 315. The court thus ADOPTS the M&R [DE 21] in full and REMANDS this matter to the Commissioner for further consideration consistent with this order. The Clerk of Court is DIRECTED to close this case.

SO ORDERED this 30th day of September, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE